

1 Education and Workforce Development Cabinet
2 Kentucky Board of Education
3 Department of Education
4 (Amended After Comments)
5 703 KAR 5:225. School and district accountability, recognition, support, and consequences.
6 RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 20 U.S.C. 7861
7 STATUTORY AUTHORITY: KRS 158.6453, [i] 158.6455
8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board
9 of Education to create and implement a balanced statewide assessment program that measures
10 the achievement of students, schools, and districts; complies with the federal No Child Left
11 Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.
12 KRS 158.6455 requires the Kentucky Board of Education, following the revision of academic
13 standards and development of a student assessment program, to create an accountability system
14 to classify schools and districts, including a formula for accountability, goals for improvement,
15 and rewards and consequences. This administrative regulation establishes the statewide system
16 of accountability, recognition, support, and consequences, and meets requirements of the U.S.
17 Department of Education to receive approval of a state-level waiver of specific requirements of
18 the federal No Child Left Behind Act of 2001 pursuant to 20 U.S.C. 7861.
19 Section 1. Definitions. (1) "Annual measurable objective" or "AMO" means the improvement
20 goal for each school or district calculated from the total[overall] score of the Next-generation
21 learners component.

(2) "Comprehensive District Improvement Plan" or "CDIP" means a plan developed by the local school district with the input of parents, faculty, staff, and representatives of school councils from each school in the district, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(3) "Comprehensive School Improvement Plan" or "CSIP" means a plan developed by the school council or successor pursuant to KRS 160.346 with the input of parents, faculty, and staff, based on a review of relevant data that includes targets, strategies, activities, and a time schedule to support student achievement and student growth, and to eliminate achievement gaps among groups of students.

(4) "District of distinction" means a highest-performing district that:

(a) Meets its current year AMO~~[starting in 2012-2013]~~, student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)~~[sixty (60)]~~ percent for the prior two (2) years;

(c) Does not have a school categorized as a focus school or priority school; and

(d) Scores at the ninety-fifth (95th) percentile or higher on the Overall Score.

(5) "Focus district" means a district that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap group scores for all districts. Focus calculations shall combine two (2) years of data.

(6) "Focus school" means a school that has a non-duplicated student gap group score in the bottom ten (10) percent of non-duplicated student gap groups scores for all elementary, middle, and high schools; schools with an individual student subgroup~~[within assessment grades]~~ by level falls in the bottom five (5) percent for individual subjects~~[with a score in the third (3rd)]~~

standard deviation below the state average for all students]; or high schools that have a graduation rate that has been less than eighty (80)~~[sixty (60)]~~ percent for two (2) consecutive years. Focus calculations shall combine two (2) years of data; focus calculations for new or reconfigured schools shall use one (1) year of data.

(7) "Graduation rate goal" means the annual graduation rate goal set by the department for each high school and district that measures progression toward the statewide goal of ninety-eight (98) percent by 2024~~[2022]~~ and is computed by dividing, by ten (10)~~[eleven (11)]~~, the difference between the 2014~~[2011]~~ baseline percent and ninety-eight (98) percent.

(8) "High-progress district" means a district that:

(a) Meets its current year AMO ~~[starting in 2012-2013]~~, student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)~~[sixty (60)]~~ percent for the prior two (2) years; and

(c) Has an improvement score indicating the district is in the top ten (10) percent of improvement of all districts as determined by the difference in the two (2) most recent calculations of the overall score.

(9) "High-progress school" means:

(a) A Title I school that:

1. Meets its current year AMO ~~[starting in 2012-2013]~~, student participation rate, and graduation rate goal;

2. Has a graduation rate above eighty (80)~~[sixty (60)]~~ percent for the prior two (2) years; and

3. Has an improvement score indicating the school is in the top ten (10) percent of improvement of all Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the overall score; or

(b) A Non-Title I school that:

1. Meets its current year AMO [~~starting in 2012-2013~~] student participation rate, and graduation rate goal;

2. Has a graduation rate above eighty (80)[~~sixty (60)~~] percent for the prior two (2) years; and

3. Has an improvement score indicating the school is in the top ten (10) percent of improvement of all non-Title I elementary, middle, or high schools as determined by the difference in the two (2) most recent calculations of the overall score.

(10) "Highest-performing district" means a district that:

(a) Meets its current year AMO [~~starting in 2012-2013~~], student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)[~~sixty (60)~~] percent for the prior two years; and

(c) Scores at the ninetieth (90th) percentile or higher on the overall score except that a district shall not qualify as highest-performing if any school in the district is categorized as a focus-school or priority school.

(11) "Highest-performing school" means an elementary, middle, or high school level that:

(a) Meets its current year AMO [~~starting in 2012-2013~~], student participation rate, and graduation rate goal;

(b) Has a graduation rate above eighty (80)[~~sixty (60)~~] percent for the prior two (2) years; and

(c) Scores at the ninetieth (90th) percentile or higher on the overall score.

(12) "Mean" means the sum of the values divided by the number of values.

(13) "Next-generation instructional programs and supports" means a component of the state-wide accountability system for Kentucky public schools and districts based on reviews of instructional programs.

- 1 (14) "Next-generation learners" means a component of the state-wide accountability system for
2 Kentucky public schools and districts based on student data.
- 3 (15) "Next-generation professionals" means a component of the state-wide accountability system
4 for Kentucky public schools and districts based on teacher and administrator data.
- 5 (16) "Next-generation schools and districts" means a component of the state-wide accountability
6 system that reports performance data for schools and districts.
- 7 (17) "Non-duplicated student gap group score" means an aggregate, non-duplicated count of
8 achievement scores of student groups that include African/American, Hispanic, American
9 Indian, Limited English proficiency, students in poverty based on qualification for free and
10 reduced price lunch, and students with disabilities who have an Individualized Education
11 Program (IEP).
- 12 (18) "Overall score" means the score resulting from a compilation of the accountability
13 components listed in Section 2 of this administrative regulation that determines placement of a
14 school or district in a classification for recognition, support, or consequences.
- 15 (19) "Participation rate" means the percent of all students and the student subgroups in the school
16 or district that participate in annual statewide assessments, with a goal of ninety-five (95)
17 percent.
- 18 (20) "Percentile" means the value of a variable below which a certain percent of numbers fall.
- 19 (21) "Priority district" means a district that has an overall score in the bottom five (5) percent of
20 overall scores for all districts that have failed to meet the AMO for the last three (3) consecutive
21 years.
- 22 (22) "Priority school" means a school that has an overall score in the bottom five (5) percent of
23 overall scores by level for all schools that have failed to meet the AMO for the last three (3)

1 consecutive years~~[been identified as a persistently low-achieving or PLA school as defined by~~
2 ~~KRS 160.346]~~.

3 (23) "Progressing" means a designation attached to a school or district's classification as
4 proficient, distinguished, or needs improvement to indicate that the school has met its AMO,
5 student participation rate for the all students group and each subgroup, and has met its graduation
6 rate goal.

7 (24) "School level" means the standard configuration of grade levels that form elementary,
8 middle, and high schools as established in 703 KAR 5:240, Section 5.

9 (25) "School of Distinction" means a highest-performing elementary, middle, or high school that:

10 (a) Meets its current year AMO ~~[starting in 2012-2013]~~, student participation rate,~~[and]~~
11 graduation rate goal and shall not be identified as a focus school;

12 (b) Has a graduation rate above eighty (80)~~[sixty (60)]~~ percent for the prior two (2) years; and

13 (c) Scores at the ninety-fifth (95th) percentile or higher on the overall score.

14 (26) "Standard deviation" means a measure of the dispersion of a set of data from its average.

15 (27) "Student subgroup" means a student group that includes African-American, American
16 Indian, Asian, White, Hispanic, English language learners, students in poverty on qualification
17 for free or reduced price lunch, or students with disabilities who have an Individualized
18 Education Program (IEP).

19 Section 2. Statewide System of Accountability, Recognition, Support, and Consequences. (1)

20 The accountability system established by 703 KAR chapter 5 shall be called Unbridled Learning:

21 College and Career Ready for All.

22 (2) An overall score shall be used to classify schools and districts for recognition, support, and
23 consequences. The overall score shall be a compilation of the following accountability

- 1 components:
- 2 (a) Next-Generation Learners, as established in 703 KAR 5:200;
- 3 (b) Next-Generation Instructional Programs and Support, as established in 703 KAR 5:230; and
- 4 (c) Next-Generation Professionals, as established in an administrative regulation that will be
- 5 promulgated by the Kentucky Board of Education to establish the requirements for Next-
- 6 Generation Professionals.
- 7 Section 3. Weighting of Components Comprising the Overall Score. (1) The timeline and
- 8 weighting of each component as a percentage of the overall score shall occur as follows:

Year	Component	Percentage of Overall Score
[2011-2012]	[Next- Generation Learners]	[100-percent]
[2012-2013,] [and] [2013-2014, and] 2014-2015]	Next- Generation Learners	Seventy-seven (77) percent
2015-2016 [2014-2015] and subsequent years	Next- Generation Instructional Programs and Support	Twenty-three (23) percent
2015-2016 [2014-2015] and subsequent years	Next- Generation Learners	Seventy (70) percent

	Next- Generation Instruction Programs and Support	Twenty (20) percent
	Next- Generation Professionals	Ten (10) percent

1 (2) If data cannot be calculated for any component, the weights shall be distributed equally to the
2 other components that shall be reported for the school or district.

3 Section 4. Classifications, Annual Measurable Objectives, and Goals. (1) A school level or
4 district shall be classified based on the overall score in accordance with the requirements
5 established in this subsection.

6 (a) By level of elementary, middle, or high, a distribution of scores from the overall score shall
7 be computed in order to determine the percentiles associated with each overall score;

8 (b) The overall score associated with specific percentiles shall classify a school level or district
9 as follows:

Percentile based on Overall Score	School or District Classification
At or above ninety (90)	Distinguished
At or above seventy (70)	Proficient
Below seventy (70)	Needs Improvement

10 (c) The overall score associated with specific percentiles used to classify a school or district as

distinguished, proficient, or needs improvement shall be recalculated as the components of the accountability system listed in Section 2 of this administrative regulation are added. When all components have been added, the overall score associated with specific percentiles used to classify a school or district as distinguished, proficient, or needs improvement shall remain constant for a period of five (5) years before calculation of the overall score associated with specific percentiles shall be re-established.

~~(2)[The mean and standard deviation shall be recalculated and the AMO for each school or district shall be reset as the components of the overall score are added. When all three (3) components of the overall score have been included, the AMO for each school and district shall be set for a five (5) year period before the mean and standard deviation are re-established.]~~

~~(3)~~ Each school level or district shall receive an AMO. The method for determining the AMO shall be as follows:

(a) Using the total[overall] score of next-generation learners, a mean and standard deviation shall be computed for the elementary, middle, and high school levels; and

(b) The mean and standard deviation shall be recalculated as adjustments of next-generation learners component are made~~[the components of the accountability system are added and shall follow the timeline established in Section 3 of this administrative regulation].~~

~~(3)[(4)]~~(a) The AMO goal for a school level or district classified as needs improvement shall be to increase the total score by one-third (1/3)[overall score by .07] of a standard deviation in a five (5) year period[annually] **and shall not be set lower than 1.0.**

(b) The AMO goal for a school level or district classified as proficient or distinguished shall be one-half (1/2) the goal of a needs improvement school or district~~[to increase the overall score by .035 of a standard deviation]~~ annually **and shall not be set lower than 0.5.**

1 ~~(4)~~~~(5)~~ Each school level or district classified as distinguished, proficient, or needs improvement
2 that meets its AMO goal, student participation rate, and graduation rate goal shall be further
3 classified as progressing.

4 ~~(5)~~~~(6)~~ For a school level with a changed school service area as established in 703 KAR 5:240,
5 Section 6, the AMO shall be recalculated based on current students. A school or district may
6 submit a plan to recalculate the AMO as established in this subsection.

7 (a) A school or a district may request that individual students be tracked across schools or that
8 the district AMO be used for the school.

9 (b) The Department shall approve the plan and shall assure accurate calculations and the
10 inclusion of all students.

11 (c) Upon approval, the plan shall be implemented and remain in effect until an additional change
12 in school service area occurs.

13 (d) The granting of a request for a different method to recalculate an AMO shall include a
14 requirement that each affected school and district waive in writing its right to make the request
15 the basis of a subsequent appeal of a school's classification.

16 (e) The intent to submit a plan to recalculate the AMO shall be received by the department by
17 June 30 of the year prior to which the AMO recalculation shall occur.

18 ~~(6)~~~~(7)~~ A focus school identified using the non-duplicated student gap group score method shall
19 be determined in accordance with the requirements established in this subsection.

20 (a) The non-duplicated student gap group shall be ranked for all schools in the state.

21 (b) The schools in the lowest ten (10) percent of the non-duplicated student gap group scores by
22 level shall be called focus schools.

23 (c) Additional Title I schools shall be added to the list as needed to ensure that the list includes at

1 least ten (10) percent of the Title I schools.

2 (d) Non-duplicated student gap groups by school shall have at least ten (10) students in order for
3 the subject area calculation to occur.

4 ~~(7)[(8)]~~ A focus school identified using the bottom five (5) percent~~[third (3rd) standard~~
5 ~~deviation]~~ method shall be determined as established in this subsection.

6 (a) By level of elementary, middle, or high, individual student subgroups shall be ranked on the
7 percentage~~[the state average]~~ of proficient and distinguished students for all schools in the state
8 in each subject area of reading, mathematics, science, social studies, and writing~~[shall be~~
9 ~~computed, and a standard deviation by subject area for all students shall be computed].~~

10 (b) Student subgroups shall number at least twenty-five (25) students in order for the calculation
11 to occur.

12 (c) A school having an individual student subgroup by level and subject that falls below the
13 bottom five (5) percent~~[third (3rd) standard deviation]~~ cut score shall be identified as a focus
14 school.

15 Section 5. Recognition. (1) Recognition categories shall include Schools or Districts of
16 Distinction, Highest-Performing Schools or Districts, and High-Progress Schools or Districts.
17 Schools and districts in these categories shall receive notification from the Commissioner of
18 Education within five (5) days of release of the annual accountability data, identifying the
19 category of recognition and the rewards for which they are eligible.

20 (2)(a) Each recognized school or district shall be authorized to use a department-approved web
21 logo and other promotional materials as may be designated by the department reflecting the
22 category of recognition earned.

23 (b) Subject to availability of funds, financial rewards may be used in conjunction with other

1 recognition activities, and may include funding for special professional growth opportunities or
2 support to enable recognized schools or districts to partner with and mentor a lower-performing
3 school or district.

4 (c) Highest-performing and high-progress schools and districts shall receive special recognition
5 as determined by the Commissioner of Education.

6 (3) A school or district identified for recognition shall continue to meet eligibility criteria in
7 order to retain its designation and receive recognition for that category.

8 (4) A school or district identified as a priority school or district or a focus school or district shall
9 not be eligible for recognition as a highest-performing school or district or a school or district of
10 distinction, but may receive recognition as a high-progress school or district, if it meets the
11 definition established in Section 1 of this administrative regulation and the requirements of this
12 section.

13 (5) In order to qualify for recognition~~[beginning in 2012-2013]~~, a school or district shall meet the
14 AMO goal, graduation rate goal, and student participation rate, and each high school's
15 graduation rate shall be above eighty (80)~~[sixty (60)]~~ percent.

16 Section 6. Supports and Consequences. (1) Supports and consequences categories shall include
17 Priority Schools and Districts and Focus Schools and Districts.

18 (2) A priority school or district shall undergo the education recovery processes established in
19 KRS 160.346 and 703 KAR 5:180, in addition to the requirements and consequences established
20 in this administrative regulation.

21 (3) A focus school or district shall be required to revise its CSIP or CDIP consistent with the
22 requirements of this section and Section 9 of this administrative regulation.

23 (4) A school or district that is identified as a priority or focus school or district shall receive

notification from the Commissioner of Education within five (5) days of release of the annual accountability data, identifying its category and the required supports and consequences that shall apply.

(5) A school or district that is identified as a priority or focus school or district for the first time shall revise its CSIP or CDIP within ninety (90) days of receiving the notice from the Commissioner of Education.

Section 7. Continuing Consequences for Schools and Districts that Remain in Priority or Focus Status for More Than One (1) Year. (1) To exit the priority status, the school or district shall:

(a) Meet AMO goals for three (3) consecutive years;

(b) No longer be identified by the applicable percent calculation of being in the lowest five (5) percent; and

(c) Score at or above an eighty (80)~~[a seventy (70)]~~ percent graduation rate for three (3) consecutive years.

(2) To exit the focus status, the requirements of this subsection shall be met.

(a) A focus school in the non-duplicated student gap group category shall:

1. Be above the lowest ten (10) percent category;

2. Show improvement in the non-duplicated student gap group; and

3. Meet AMO for two (2) years in a row.

(b) A focus school in the bottom five (5) percent~~[third standard deviation]~~ category shall have the individual subgroup that triggered the school's placement in the category to:

1. Rise above the bottom five (5) percent~~[third standard deviation]~~ cut score;

2. Show improvement in the individual subgroup that triggered the school's placement ~~[non-duplicated student gap group]~~; and

- 1 3. Meet AMO for two (2) years in a row.
- 2 (c) A focus school in the category due to graduation rate shall:
 - 3 1. Have a graduation rate higher than eighty (80)~~[seventy (70)]~~ percent; and
 - 4 2. Meet AMO for two (2) years in a row.
- 5 (d) A focus district in the non-duplicated student gap group category shall be above the lowest
- 6 ten (10) percent category.
- 7 (3)(a) A school or district that is identified as a priority school or district for two (2) or more
- 8 consecutive times, or a school or district that remains in the focus school or district category for
- 9 three (3) consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this
- 10 administrative regulation within ninety (90) days of receiving notice from the Commissioner of
- 11 Education.
- 12 (b) The superintendent and the council shall review, revise, and agree upon the CSIP.
- 13 (c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.
- 14 (4)(a) In addition to the requirements of this section, a priority school or district that is identified
- 15 for three (3) or more consecutive times, or a focus school or district that is identified for four (4)
- 16 or more consecutive years, shall revise its CSIP or CDIP as specified in Section 9 of this
- 17 administrative regulation..
- 18 (b) The superintendent and the council shall review, revise, and agree upon the CSIP, which shall
- 19 then be electronically transmitted to KDE within ninety (90) days of receiving notice from the
- 20 Commissioner of Education.
- 21 (c) The CSIP or CDIP shall be posted to the appropriate school or district Web site.
- 22 (d) The school or district shall engage in the following actions:
 - 23 1. Participate in a set of improvement strategies outlined by an accreditation process;

2. If directed by the department, receive the assignment of a high-achieving partner school or district of similar demographics for mentor activities as directed by the department; and
3. Accept ongoing assistance and resources throughout the year as assigned or approved by the department.

Section 8. Monitoring. (1) The department shall review and approve all submissions required by this administrative regulation.

(2) The department shall monitor implementation of each CDIP or CSIP and shall provide guidance based upon information gathered from the following:

- (a) Progress reports from the school through the district;
- (b) Data reviews;
- (c) On-site observation; and
- (d) Other information supplied at the option of the district or school.

(3) In addition to the activities undertaken by the Department, each school district shall monitor compliance of individual schools within the district.

Section 9. Comprehensive School and District Improvement Plan Process. (1) Each school or district shall annually develop, review, and revise a comprehensive school or district improvement plan.

(2) The structure of a school or district comprehensive improvement plan shall include:

- (a) Executive summary that shall include a vision and a mission;
- (b) Needs assessment that shall include:
 1. A description of the data reviewed and the process used to develop the needs assessment;
 2. A review of the previous plan and its implementation to inform development of the new plan;
- and

1 3. Perception data gathered from the administration of a valid and reliable measure of teaching
2 and learning conditions;

3 (c) Process for development that shall include:

4 1. Analysis of data to determine causes and contributing factors;

5 2. Prioritization of needs; and

6 3. Development of goals, objectives, strategies, and activities based on the needs assessment and
7 root cause analysis, that shall include targets or measures of success, timelines, persons
8 responsible, a budget that includes resources needed and source of funding, and a process for
9 meaningful stakeholder communications and input;

10 (d) A set of assurances, approved by and on file with the local board of education, with a signed
11 declaration by the superintendent that all schools in the district are in compliance with the
12 requirements of the statutes and administrative regulations included in those assurances; and

13 (e) A process for annual review and revision by the school or district.

14 (3) Continuous improvement and capacity building shall drive the development of the plan.

15 (4) Other required components in the process shall include:

16 (a) A standards-based process for measuring organizational effectiveness that shall include
17 purpose and direction, governance and leadership, teaching and assessing for learning, resources
18 and support systems, and using results for continuous improvement;

19 (b) A data driven self-evaluation based on the standards, including a means to gather meaningful
20 stakeholder input;

21 (c) A written improvement plan based on the issues identified in the self-evaluation;

22 (d) A set of assurances that includes a determination of compliance with each assurance and the
23 ability to upload any supporting documentation needed;

- 1 (e) Electronic submission of all elements of the plan;
- 2 (f) Monitoring implementation of the plan through implementation and impact checks; and
- 3 (g) Evaluation of the effectiveness based on the strategies and activities in the plan.
- 4 (5) A CSIP shall also include the elements required of schools by KRS 158.649(5).
- 5 (6) A CSIP or CDIP for a priority or focus school or district shall also address the following:
- 6 (a) Curriculum alignment for schools within the district and within each individual school,
- 7 ensuring the instructional program is:
 - 8 1. Research-based;
 - 9 2. Rigorous;
 - 10 3. Aligned with the Kentucky Core Academic Standards as established in 704 KAR 3:303; and
 - 11 4. Based on student needs;
- 12 (b) Provision of time for collaboration on the use of data to inform evaluation and assessment
- 13 strategies to continuously monitor and modify instruction to meet student needs and support
- 14 proficient student work, if a priority or focus school;
- 15 (c) Activities to target the underperforming areas of achievement, gap, growth, college and
- 16 career readiness, or graduation rate;
- 17 (d) Activities to target demonstrators of weakness in program reviews;
- 18 (e) Activities to target areas of need identified in teacher and leader effectiveness measures;
- 19 (f) School safety, discipline strategies, and other non-academic factors that impact student
- 20 achievement, such as students' social, emotional, and health needs, if a priority or focus school;
- 21 (g) Design of the school day, week, or year to include additional time for student learning and
- 22 teacher collaboration, if a priority or focus school;
- 23 (h) Specific strategies to address gaps in achievement and graduation rates between the highest-

1 achieving student performance group and the lowest-achieving student performance group, if a
2 focus school or district; and

3 (i) Short-term, monthly plans for the first ninety (90) days of implementation, and the
4 establishment of teacher turnaround teams with intensive year-round training focused on teacher
5 effectiveness and school improvement in the professional development component of its plan, if
6 a priority school.

7 (7) A priority or focus district shall use a variety of relevant sources that shall include perception
8 data gathered from the administration of a valid and reliable measure of teaching and learning
9 conditions to inform the needs assessment required by the CDIP. A district containing a priority
10 or focus school shall assist those schools in using these data to inform the needs assessment
11 required by the CSIP.

12 (8) The Commissioner's Raising Achievement and Closing Gaps Council and the
13 Commissioner's Parents Advisory Council shall provide guidance to focus schools and districts
14 as they conduct their needs assessments and revise their CSIPs and CDIPs.

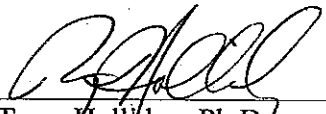
15 (9) A priority school shall document meaningful family and community involvement in selecting
16 the intervention strategies that shall be included in the revised CSIP.

17 (10) The CDIP for a district with a priority or focus school shall include the support to be
18 provided to the priority or focus school by the district. The priority or focus school's CSIP shall
19 include the support that will be provided by the district to the school.

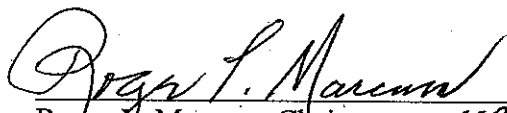
20 (11) The CDIP for each district shall be posted to the district's Web site. The CSIP for each
21 school shall be posted to the school's Web site.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

4-14-15
(Date)


Terry Holliday, Ph.D. *KEB*
Commissioner of Education

4-14-15
(Date)


Roger L. Marcum, Chairperson *KEB*
Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 5:225

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the statewide system of accountability, recognition, support, and consequences, and meets requirements of the U.S. Department of Education to receive approval of a state-level waiver of specific requirements of the federal No Child Left Behind Act of 2001 pursuant to 20 U.S.C. 7861.

(b) The necessity of this administrative regulation: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools and districts, complies with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and ensures accountability. KRS 158.6455 requires the Kentucky Board of Education, following the revision of academic standards and development of a student assessment program, to create an accountability system to classify schools and districts, including a formula for accountability, goals for improvement, and rewards and consequences.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides specific details for establishing an accountability system for Kentucky public schools that classify schools and districts, and provide for rewards, consequences, and support to Kentucky public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides specific details for establishing an accountability system to classify schools and districts including goals for improvement, rewards, consequences, and supports to Kentucky public schools.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment raises the minimum graduation rate from sixty (60) to eighty (80) percent; provides for the Annual Measurable Objective to be calculated using data from the Next-Generation Learners component; bases Focus identification on two (2) years of data when available; redefines Focus schools as those in the bottom five (5) of performance with individual student groups instead of a third standard deviation methodology; requires Schools of Distinction to have no Focus groups identified; and defines Priority schools as having an overall score in the bottom five (5) percent of overall scores by level for all schools that have failed to meet AMO for the last three (3) years.

(b) The necessity of the amendment to this administrative regulation: The amendment provides specific details regarding classification and labeling of schools, goals for improvement, rewards, consequences, and supports.

(c) How the amendment conforms to the content of the authorizing statute: The amendment provides specific details for establishing an accountability system for Kentucky public schools that classify schools and districts and provide for rewards and consequences.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific guidance for the implementation of the accountability system.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and supporting staff in the Kentucky Department of Education.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The amendment will impact schools and districts and the Kentucky Department of Education by providing the detail necessary to consistently implement the state accountability system.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education, schools and districts shall implement the specific requirements of the assessment and accountability system.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools, districts or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The schools and districts will experience consistent application of the accountability system and have guidance to make continuous improvement in the accountability system.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated. State and federal funds to the extent any additional costs are incurred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 703 KAR 5:225
Contact Person: Kevin C. Brown
Phone Number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 158.6453; KRS 158.6455

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Amendment adds no additional costs.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.

STATEMENT OF CONSIDERATION
RELATING TO 703 KAR 5:225

School and district accountability, recognition, support, and consequences.
Kentucky Department of Education

Amended After Comments

1. A public hearing was scheduled on the above regulation on March 23, 2015 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 500 Mero Street, 1st Floor, Frankfort, Kentucky. The hearing was cancelled when no one was present at the noticed time to provide comments.

2. The following individuals submitted written comments:

Name and Title

Stu Silberman, Executive Director

Agency/Organization/Entity/Other

Prichard Committee

3. The following people from the promulgating administrative body responded to the written comments:

Name and Title

Kevin C. Brown, General Counsel/Associate Commissioner, Office of Guiding Support Services

Todd G. Allen, Assistant General Counsel, Office of Guiding Support Services

Rhonda Sims, Director, Division of Support & Research, Office of Assessment & Accountability

Kevin Hill, Director, Division of Assessment Design & Implementation, Office of Assessment & Accountability

Roger Ervin, Office of Assessment & Accountability

John Wickizer, Division of Assessment Design & Implementation, Office of Assessment & Accountability

Jennifer Stafford, Policy Advisor, Office of Assessment & Accountability

Kelly Foster, Associate Commissioner, Office of Next Generation Schools & Districts

David Wickersham, Policy Advisor, Office of Next Generation Schools & Districts

Summary of Comments and Responses

1. Subject Matter: Technical Changes

(a) Comment: The Prichard Committee ("Prichard") commented that various references to previous school years (2011-2012, 2012-2013, and 2013-2014) throughout the administrative regulation are no longer needed. The school year references previously dictated implementation of various provisions of the administrative regulation but are no longer necessary.

(b) Response: The agency agrees that the references to previous school years is no longer necessary and has removed said references from the administrative regulation.

2. Subject Matter: Definitions

(a) Comment: Prichard commented the definition of "Graduation rate goal" at Section 1(7) to indicate whether a four year, five year, or other cohort rate is used to determine graduation rate goal. Prichard further commented that the definition should indicate whether alternate diplomas will be counted for determination of graduation rate goal. Prichard advocates that this information is needed to set graduation rate goals and identify priority schools. Next, Prichard commented that the definition of "Priority school" at Section 1(22) does not contain a provision for considering graduation rate. Prichard requests that, at a minimum, the definition indicate graduation rates below 60% be a basis for identification of priority schools, but prefers the graduation rate for identification be set at a rate higher than 60%. Finally, Prichard comments that the language added to the definition of "School of distinction" at Section 1(25) indicating focus schools shall not be identified as schools of distinction is not needed given similar language at Section 5(4).

(b) Response: Upon consideration, the agency declines to amend the definition of "Graduation rate goal" at Section 1(7). Kentucky's graduation rate calculations must remain aligned to federal regulation and federal guidance, either of which may be modified over time. The definition as written in the administrative regulation adequately describes calculation of the graduation rate goal and amendment is not necessary. The agency does provide information and training to District Assessment Coordinators on the graduation rate calculation. The agency does not agree to change the definition of Priority school at Section 1(22) to include graduation rate. It is the intent of the agency that schools of all levels be clearly available for identification as Priority if appropriate. The agency does not agree that change is needed for the definition of "School of distinction" at Section 1(25). Specifically, the language added to the definition regarding focus schools is beneficial for clarity.

3. Subject Matter: Classifications Assigned to Focus Schools

(a) Comment: Prichard advocates for amending Section 4(1) to indicate that the classifications "proficient" and "distinguished" will not be assigned to focus schools.

(b) Response: This agency declines to amend Section 4(1) based upon these comments. Kentucky's approved ESEA waiver and this regulation follows the federal requirement that the highest performing school classification cannot have a focus group. An expansion of the federal

requirement is not necessary. During review of Prichard's comments regarding classifications assigned to focus schools, the agency noted an error in Section 7 (2)(b)(2) regarding focus schools. The agency amended the administrative regulation to indicate that a focus school in the bottom five percent category shall, among other requirements, show improvement in the individual subgroup that triggered placement in order to exit focus. Previously Section 7 (2)(b)(2) required improvement in the non-duplicated student gap group which is a goal targeted toward focus schools in the non-duplicated student gap group category.

4. Subject Matter: Minimum AMO Goal Scores

(a) Comment: Prichard advocates that Section 4(3) fails to provide an annual AMO goal for school or district classified as "needs improvement." Prichard commented that total score minimums of 1.0 and 0.5 should be established for schools or districts classified as "needs improvement" and "proficient or distinguished," respectively.

(b) Response: The agency agrees that Section 4(3) should be amended to indicate that the AMO goal for schools or districts classified as "needs improvement" shall be to increase the total score by one-third of a standard deviation in a five (5) year period, and shall not be lower than 1.0. Furthermore, the agency agrees that Section 4(3) should be amended to indicate that the AMO goal for schools or districts classified as "proficient or distinguished" shall be one-half (1/2) the goal of a needs improvement school or district, and shall not be lower than 0.5.

Summary of Statement of Consideration
Action Taken by Promulgating Administrative Body

The Kentucky Department of Education received and has responded to one comment from the public regarding proposed amendments to 703 KAR 5:225. Commenter advocated for technical changes to remove reference to past implementation dates of 2011-2012, 2012-2013, and 2013-2014. The agency agreed to make the suggested changes and removed said references from the administrative regulation.

Commenter further advocated for clarification of definitions of "Graduation rate goal," "Priority school," and "School of distinction" in Section 1 of the administrative regulation. The agency declined to make changes to the definitions of "Graduation rate goal" and "School of distinction."

Commenter advocated for changes to Section 4(1) to indicate that focus schools will not receive classifications of "proficient" or "distinguished." Following consideration, the agency declined to amend the administrative regulation as suggested by commenter.

Finally, commenter advocated for changes to Section 4(3) to include detail on setting an annual AMO goal for schools or districts classified as "needs improvement." Commenter advocated for minimum AMO goal scores of 1.0 for schools or districts classified as "needs improvement," and 0.5 for schools or districts classified as "proficient or distinguished." The agency agreed to insert the suggested minimum AMO goal scores in the administrative regulation. However, the

agency declined to amend the administrative regulation to include annual AMO goals for schools or districts classified as “needs improvement.”

The agency proposes the following amendments after comments to the administrative regulation:

Page 3

Section 1(8)(a)

Line 14

After “AMO”, delete “starting in 2012-2013”

Section 1(9)(a)(1)

Line 22

After “AMO”, delete “starting in 2012-2013”

Page 4

Section 1(9)(b)(1)

Line 6

After “AMO”, delete “starting in 2012-2013”

Section 1(10)(a)

Line 13

After “AMO”, delete “starting in 2012-2013”

Section 1(11)(a)

Line 20

After “AMO”, delete “starting in 2012-2013”

Page 6

Section 1(25)(a)

Line 15

After “AMO”, delete “starting in 2012-2013”

Page 7

Section 3

Table

Delete “2011-2012”, “Next-Generation Learners”, and “100 percent”

Delete “2012-2013, and 2013-2014, and”

Page 9

Section 4(3)(a)

Line 14

After “period”, insert “and shall not be set lower than 1.0.”

Section 4(3)(b)

Line 17

After “annually”, insert “and shall not be set lower than 0.5.”

Page 13

Section 7(2)(b)(2.)

Line 19

After “the”, insert “individual subgroup that triggered the school’s placement”

Delete “non-duplicated student gap group”